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March 31, 2000

BY HAND DELIVERY

Magalie R. Salas, Esquire

Secretary

Federal Communications Commission

Room TW-B204

445 12th Street, S.W.

Washington, DC 20554

Re: Kimberly, Idaho
MM Docket No. 99-206; RM-9625

Dear Ms. Salas:

Transmitted herewith on behalf of FM Idaho Co. are an original and four copies of its "Motion for Leave to File Supplement to Comments of FM Idaho Co." and "Supplement to Comments of FM Idaho Co.," filed in the above-referenced allotment proceeding.

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,
FLETCHER, HEALD & HILDRETH, P.L.C.



Andrew S. Kersting
Counsel for FM Idaho Co.

Enclosures

cc (w/ encls.): Certificate of Service (by hand & first-class mail)

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BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-206
Tale of Allotments,)	RM-9625
FM Broadcast Stations)	
(Kimberly, Idaho))	

To: Chief, Allocations Branch

**MOTION FOR LEAVE TO FILE SUPPLEMENT
TO COMMENTS OF FM IDAHO CO.**

FM Idaho Co. ("FM Idaho"), by counsel, hereby requests leave to supplement the "Comments of FM Idaho Co.," filed July 26, 1999, in the above-captioned proceeding. In support of this motion, the following is stated:

In response to a *Notice of Proposed Rule Making*, DA 99-1088 (released June 4, 1999), FM Idaho filed Comments in this allotment proceeding on July 26, 1999. In its Comments, FM Idaho represented that Mountain West Broadcasting's ("Mountain West") proposed transmitter site for the requested allotment of Channel 291C3 at Kimberly, Idaho, was not available.¹ Specifically, FM Idaho stated that Mountain West's proposed transmitter site was located on property which it then believed was owned by Peter Link. Mr. Link had advised FM Idaho that Victor Michael, President of Mountain West, had not contacted him regarding the use of his land as a transmitter site for a radio station. Mr. Link also had advised FM Idaho that if he was contacted about the use of his land

¹ The reference coordinates for the proposed allotment of Channel 291C3 at Kimberly are North Latitude: 42-30-22; West Longitude: 114-21-45.

for a radio station tower, he would refuse to permit such a facility to be located on his property. FM Idaho brought these facts to the Commission's attention in its Comments, and noted that it intended to supplement its Comments by providing a written statement from Mr. Link.²

However, in the process of attempting to obtain a declaration from Mr. Link, FM Idaho discovered that Mr. Link is not, in fact, the owner of the property specified as the transmitter site for the proposed allotment of Channel 291C3 at Kimberly, Idaho. Instead, the property is owned by The Church of Jesus Christ of Latter-day Saints (the "LDS Church"). Attached to the accompanying "Supplement to Comments of FM Idaho Co.," filed contemporaneously herewith, is a declaration by M. Brent Chugg, Manager of Production of the Corporation of the Presiding Bishop of the LDS Church, stating that the transmitter site specified in Mountain West's proposal to allot Channel 291C3 at Kimberly is located on a parcel of property owned by the Church. Mr. Chugg further states that the LDS Church has not granted Mountain West permission to use the Church's property as a transmitter site for a radio station, and has no intention of doing so in the future.

FM Idaho regrets the delay that has transpired in seeking to obtain a declaration from the site owner confirming the unavailability of the property specified as the proposed transmitter site for the requested allotment of Channel 291C3 at Kimberly. As explained above, however, Peter Link was originally identified to FM Idaho as the owner of the property upon which Mountain West's proposed transmitter site was located. Upon discovering that Mr. Link does not own the subject property, and that the land is owned, instead, by the LDS Church, FM Idaho has acted diligently in seeking to obtain a written statement from the Church regarding the use of its property for a radio station tower. Although FM Idaho has been in regular contact with representatives of the LDS

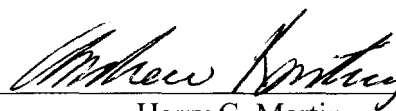
² See Comments of FM Idaho Co., p. 2, n.2.

Church since it became aware of the Church's ownership of the proposed transmitter site, it has taken some time to get the Church to respond to FM Idaho's request for a written statement concerning this matter. FM Idaho respectfully submits that there is good cause for accepting Mr. Chugg's attached declaration at this time. Indeed, the public interest would not be served by allotting a new FM channel to the community of Kimberly, Idaho, if there is no suitable and available transmitter site from which the station could operate.

WHEREFORE, in light of the foregoing, FM Idaho respectfully requests that the Commission accept the "Supplement to Comments of FM Idaho Co." filed contemporaneously herewith.

Respectfully submitted,

FM IDAHO CO.

By: 
Harry C. Martin
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 North Seventeenth Street
11th Floor
Arlington, Virginia 22209
(703) 812-0400

March 31, 2000

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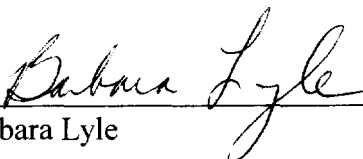
CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 31st day of March, 2000, copies of the foregoing "Motion for Leave to File Supplement to Comments of FM Idaho Co." were hand delivered or mailed first-class, postage prepaid, to the following:

John A. Karousos, Chief*
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
The Portals II, Room 3-A266
445 Twelfth Street, S.W.
Washington, DC 20554

Ms. Nancy Joyner*
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
The Portals II, Room 3-A267
445 Twelfth Street, S.W.
Washington, DC 20554

Mr. Victor A. Michael, Jr.
President
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, WY 82009



Barbara Lyle

* Hand Delivered

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-206
Tale of Allotments,)	RM-9625
FM Broadcast Stations)	
(Kimberly, Idaho))	

To: Chief, Allocations Branch

SUPPLEMENT TO
COMMENTS OF FM IDAHO CO.

FM Idaho Co. ("FM Idaho"), by counsel, hereby supplements its Comments, filed July 26, 1999, in the above-captioned allotment proceeding to provide the attached declaration of M. Brent Chugg, Manager of Production of the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints (the "LDS Church"). In support of this supplement, the following is stated:

As stated above, FM Idaho filed Comments in this proceeding on July 26, 1999. In its Comments, FM Idaho represented that Mountain West Broadcasting's ("Mountain West") proposed transmitter site for the requested allotment of Channel 291C3 at Kimberly, Idaho, was not available.¹ Specifically, FM Idaho stated that Mountain West's proposed transmitter site was located on property which it then believed was owned by Peter Link. Mr. Link had advised FM Idaho that Victor Michael, President of Mountain West, had not contacted him regarding the use of his land as

¹ The reference coordinates for the proposed allotment of Channel 291C3 at Kimberly are North Latitude: 42-30-22; West Longitude: 114-21-45. *See Notice of Proposed Rule Making*, DA 99-1088 (released June 4, 1999).

a transmitter site for a radio station. FM Idaho also advised the Commission that Mr. Link had stated that, if he was contacted about the use of his land for a radio station, he would refuse to permit such a facility to be located on his property. FM Idaho noted that it intended to supplement its Comments by providing a written statement from Mr. Link.²

In the process of attempting to obtain a declaration from Mr. Link, FM Idaho discovered that Mr. Link is not, in fact, the owner of the property specified as the proposed transmitter site for the requested allotment of Channel 291C3 at Kimberly. Attached hereto is a declaration by M. Brent Chugg stating that the transmitter site specified in Mountain West's proposal to allot Channel 291C3 at Kimberly is located on a parcel of property owned by the LDS Church. Mr. Chugg further states that the LDS Church has not granted Mountain West permission to use the Church's property as a transmitter site for a radio station, and has no intention of doing so in the future.

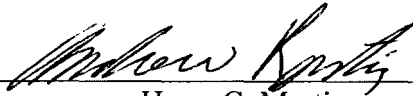
FM Idaho regrets the delay that has transpired in submitting Mr. Chugg's declaration in this proceeding. However, as stated in the accompanying motion for leave to supplement its Comments, Peter Link was originally identified to FM Idaho as the owner of the property upon which Mountain West's proposed transmitter site was located. FM Idaho discovered only recently that the LDS Church is the owner of the property upon which the proposed transmitter site is located. Although FM Idaho has been in regular contact with representatives of the LDS Church since it became aware of the Church's ownership of the subject property, it has taken some time to get the Church to respond to FM Idaho's request for a written statement concerning this matter.

² See Comments of FM Idaho Co., p. 2, n.2.

WHEREFORE, in light of the foregoing, FM Idaho, Inc. respectfully requests that the proposal of Mountain West Broadcasting to allot Channel 291C3 at Kimberly, Idaho, as that community's first local aural transmission service be DENIED.

Respectfully submitted,

FM IDAHO CO.

By: 
Harry C. Martin
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 North Seventeenth Street
11th Floor
Arlington, Virginia 22209
(703) 812-0400

March 31, 2000

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DECLARATION

I, M. Brent Chugg, under penalty of perjury, hereby declare and state as follows:

I am an Manager of Production of the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole ("CPB") with responsibility for the CPB's farm at Kimberly, Idaho.

I have been advised that Victor Michael d/b/a Mountain West Broadcasting has proposed to establish an FM radio station at Kimberly, Idaho, and has listed the geographic coordinates 42-30-22 NL and 114-21-45 WL as pinpointed on the attached map as the proposed transmitter site. That location is within a parcel of property owned by CPB that is in the Kimberly Farm.

CPB has not granted permission for the use of the subject property as a radio transmitter site and has no plan to do so in the future.

Signed and dated this 27 day of March, 2000.

Corporation of the Presiding Bishop of The Church of
Jesus Christ of Latter-day Saints, a Utah corporation
sole

A handwritten signature in black ink, appearing to read "M. Brent Chugg", is written over a horizontal line.

M. Brent Chugg, Manager of Production
7th Floor Church Office Building
Salt Lake City UT 84150-0012

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Mar. 23. 9:53AM

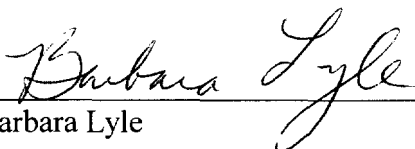
CERTIFICATE OF SERVICE

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 31st day of March, 2000, copies of the foregoing "Supplement to Comments of FM Idaho Co." were hand delivered or mailed first-class, postage prepaid, to the following:

John A. Karousos, Chief*
Allocations Branch
Policy and Rules Division
Mass Media Bureau
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The Portals II, Room 3-A266
445 Twelfth Street, S.W.
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Ms. Nancy Joyner*
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Mr. Victor A. Michael, Jr.
President
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, WY 82009



Barbara Lyle

* Hand Delivered